

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

AUTO - OWNERS INSURANCE)
COMPANY and OWNERS)
INSURANCE COMPANY)
)
Plaintiff)

v.)

MEP PRO SERVICES, LLC; THE)
WHITING-TURNER)
CONTRACTING COMPANY;)
AND UNITED STATES FIRE)
INSURANCE COMPANY)
)
Defendants.)

CIVIL ACTION FILE NO.
1:21-cv-00971-SCJ

**NOTICE OF SETTLEMENT AS TO PLAINTIFFS, THE WHITING-
TURNER CONTRACTING COMPANY, AND MEP PRO SERVICES, LLC**

COME NOW, Plaintiffs Auto-Owners Insurance Company (“Auto- Owners”) and Owners Insurance Company (“Owners”) (Auto-Owners and Owners together “Plaintiffs”) and The Whiting-Turner Contracting Company (“Whiting-Turner”) and file the following Notice of Settlement, showing this Court as follows:

1. Plaintiffs have reached a settlement with MEP Pro Services, LLC, which is currently *pro se*, and MEP Pro has executed a settlement agreement.

2. Plaintiffs have reached a settlement with Whiting-Turner. Plaintiffs and Whiting-Turner are finalizing the related paperwork, which is anticipated to be completed within two weeks. One element of consideration, the monetary consideration, has already been transmitted to be held in trust by Whiting-Turner's counsel. Another element of consideration, the dismissal with prejudice of the underlying lawsuit, is anticipated to be completed within the next seven (7) days.
3. Plaintiffs contend that they reached a settlement with United States Fire Insurance Company. However, United States Fire Insurance Company contends that no settlement was reached, which delayed the finalization of the settlement of this case. Plaintiffs intend for the dismissal without prejudice of this lawsuit to include a dismissal without prejudice of United States Fire Insurance Company. Such dismissal without prejudice will be filed after the settlements discussed above are finalized.
4. Plaintiffs show that they twice previously circulated a proposed Notice of Settlement to all parties. Whiting-Turner and MEP Pro did not object to the filing of the Notice of Settlement. However, United States Fire Insurance Company instructed Plaintiffs that it was withholding its consent to the Notice of Settlement and instructed that said Notice should not be filed. Despite

discussions between counsel for United States Fire Insurance Company and Plaintiffs, it remains unclear to Plaintiffs why United States Fire Insurance Company objects to the filing of such a notice, given that United States Fire Insurance Company will be dismissed without prejudice.

5. Upon the dismissal with prejudice of the underlying action, Plaintiffs will file a stipulation of dismissal without prejudice of this lawsuit as soon as the consent of the parties to this lawsuit provide their consent.

Auto-Owners, Owners, and The Whiting-Turner Company respectfully request the Court stay all deadlines applicable to Plaintiffs and Defendants, and particularly the deadline for the pre-trial order, until the Parties can file the stipulation of dismissal without prejudice in accordance with the Parties' settlement agreement.

[SIGNATURES ON NEXT PAGE]

Respectfully submitted this 14th day of September, 2022.

<p>SWIFT, CURRIE, McGHEE & HIERS</p> <p><u>/s/ Rebecca E. Strickland</u></p> <p>Mark T. Dietrichs Georgia Bar No. 221722 Rebecca E. Strickland Georgia Bar No. 358183 The Peachtree, Suite 300 1355 Peachtree Street, N.E. Atlanta, Georgia 30309 Tel: 404-874-8800 Mark.dietrichs@swiftcurrie.com Rebecca.strickland@swiftcurrie.com</p> <p><i>Attorneys for Plaintiffs Auto-Owners Insurance Company and Owners Insurance Company</i></p>	<p>NELSON MULLINS RILEY & SCARBOROUGH, LLP</p> <p><u>/s/ S. Jake Carroll</u></p> <p><i>[Signed with express permission to Rebecca Strickland by S. Jake Carroll]</i> Mark S. VanderBroek, Esq. Georgia Bar No. 724440 mark.vanderbroek@nelsonmullins.com S. Jake Carroll, Esq. Georgia Bar No. 606804 jake.carroll@nelsonmullins.com 201 17th Street, N.W., Suite 1700 Atlanta, Georgia 30363 Telephone No. (404) 322-6000 Facsimile No. (404) 322-6050</p> <p>Michael K. Wilson, Esq. Pro Hac Vice Application Forthcoming mike.wilson@nelsonmullins.com Natalie P. Chappel, Esq. Pro Hac Vice Application Forthcoming natalie.chappel@nelsonmullins.com 390 North Orange Avenue, Suite 1400 Orlando, Florida 32801 Telephone No. (407) 839-4200 Facsimile No. (407) 425-8377 <i>Counsel for The Whiting-Turner Contracting Co.</i></p>
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CERTIFICATION OF FONT

We hereby certify that this pleading has been prepared with Times New Roman 14-point selection, as approved by the Court in L.R 5.1B.

This 14th day of September, 2022.

Respectfully submitted,

SWIFT, CURRIE, McGHEE & HIERS

/s/ Rebecca E. Strickland

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the **NOTICE OF SETTLEMENT AS TO PLAINTIFFS, THE WHITING-TURNER CONTRACTING COMPANY, AND MEP PRO SERVICES, LLC** by e-filing same using the CM/ECF System which will automatically send email notification of said filing to the following:

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Via U.S. Mail
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This 14th day of September, 2022.

Respectfully submitted,

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